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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/923,536	08/08/2001	Ikuo Sakaguchi	Q65782	2109

7590 12/18/2002

SUGHRUE, MION, ZINN, MACPEAK & SEAS  
2100 Pennsylvania Avenue, N.W.  
Washington, DC 20037

EXAMINER

LABAZE, EDWYN

ART UNIT	PAPER NUMBER
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2876

DATE MAILED: 12/18/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/923,536

Applicant(s)

SAKAGUCHI, IKUO

Examiner

EDWYN LABAZE

Art Unit

2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on communication filed on 10/03/2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Priority*

1. Receipt is acknowledged of amendments filed on 10/03/2002.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-6, drawn to the method claims 7-10 are rejected under 35 U.S.C. 102(b) as being unpatented by Seiderman (U.S. 5,608,781).

Re claims 1 and 9: Seiderman discloses a system of eliminating or reducing cloning of electronic identification numbers of cellular telephones, which includes a card in which a card identification is registered (col.2, lines 64+, and col.3, lines 1-34); a read unit 50 which reads said card identification code from the card (col.4, lines 27-47); and a verification apparatus 64 which verifies the card only when a place in which the read unit is within an area corresponding to the card identification code (col.4, lines 33+).

Re claim 2: Seiderman teaches a system, wherein the read unit has a read unit identification code, and notifies the read unit identification code to the verification apparatus (col.4, lines 27-32), and the verification apparatus has a table which shows a correspondence relation between the read unit identification code and the existing place (col.6, lines 16-67), and searches and acquires said existing place corresponding to the notified read unit identification code from the table (col.8, lines 1+).

Re claim 3 and 10: Seiderman discloses a system, which further comprises a mobile or cellular phone (col.3, lines 1-10), the verification apparatus has another table which shows a correspondence relation between the card identification code and the mobile phone, and the area or zone is coincident with an area for one or more cells to which the mobile phone belongs (col.6, lines 16+).

Re claim 4: Seiderman teaches a system, which further includes a storage unit or memory which stores data showing the area or zone corresponding to the mobile or cellular phone (col.5, lines 47-64), and the verification apparatus acquires the area data from the storage unit (col.6, lines 16-63).

Re claims 5 and 8: Seiderman discloses a system, wherein a user of the mobile phone deletes the area from the storage unit by operating the cell/mobile phone (col.7, lines 22-35), and the verification apparatus does not verify the card when the area data is not stored in the storage unit (col.7, lines 38+).

Re claim 6: Seiderman teaches a system, wherein the card is a credit card (col.4, lines 26+).

Re claim 7: Seiderman discloses a method using a card verification/validation system, which includes a card that a card identification code is registered, a read unit which reads the card identification code from the card, and a verification apparatus which verifies the card only when a place in which the read unit is located corresponds to the card identification code (see the discussions as set forth in claim 1), the method comprises the steps of acquiring from the card, the place/zone or area of the read unit which read the card (col.6, lines 16+); acquiring the area from the recorder (col.6, lines 25+); determining whether or not the place of the read unit is in

the area (col.6, lines 48-54); when the place of the read unit does not belong to the area, prohibiting settlement (col.2, lines 52-60).

*Conclusion*

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Seiderman (U.S. 5,388,148) discloses a cellular telephone calling system using credit card validation.

Seiderman (U.S. 5,550,897) discloses a cellular telephone calling system using credit card validation.

Morill, Jr. (U.S. 5,991,749) teaches a wireless telephony for collecting tolls, conducting financial transactions, and authorizing other activities.

Alperovich et al. (U.S. 6,233,448) discloses a system, method and apparatus for automatic feature activation/deactivation based upon positioning.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to EDWYN LABAZE whose telephone number is (703) 305-5437. The examiner can normally be reached on 7:30 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (703) 305-3503. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1782.

Application/Control Number: 09/923,536

Page 5

Art Unit: 2876

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Edwyn Labaze

Patent Examiner

Art Unit 2876

December 9, 2002

A handwritten signature in black ink, appearing to read 'K. D. Frech', written in a cursive style.

KARL D. FRECH  
PRIMARY EXAMINER